

SIXTIETH DAY—(Continued.)

Senate Chamber,
Austin, Texas,
April 22, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Motion to Reconsider.

Senator Purl moved to reconsider the vote by which S. B. No. 361 was finally passed and spread the motion on the Journal.

Point of No Quorum.

Senator Woodward raised the point of order that a quorum was lacking.

The roll call showed 23 present.

Bills Introduced.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Small:

S. B. No. 527, A bill to be entitled "An Act amending Senate Bill Number 512 passed at the Regular Session of the Forty-second Legislature, 1931; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provision relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Patton:

S. B. No. 528, A bill to be entitled "An Act authorizing the Texas Prison Board to exchange by proper deeds of conveyance 1.39 acres of land belonging to the State of Texas,

a part of the Texas Prison System, situated in Brazoria County, Texas, for a 1.11 acre tract belonging to Mrs. Kate Palmer, a femme sole, also situated in Brazoria County, Texas, and adjoining lands belonging to the State of Texas, and declaring an emergency."

Read and referred to Committee on State Penitentiaries.

House Bills Referred.

H. B. No. 652 referred to Committee on State Affairs.

H. B. No. 349 referred to Committee on Civil Jurisprudence.

H. B. No. 880 referred to Committee on Judicial Districts.

H. B. No. 558 referred to Committee on Judicial Districts.

H. B. No. 154 referred to Committee on State Affairs.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senator Fellbaum, on motion of Senator Rawlings.

Senator Holbrook, on motion of Senator Hopkins.

Senator ONeal, on motion of Senator Parr.

On motion of Senator Murphy, Senator Beck was excused for the day on account of illness.

Senate Bill No. 526.

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

By Senator Redditt:

S. B. No. 526, A bill to be entitled "An Act providing that when the county depository of any county having a population of not less than 43,100 and not more than 43,200 according to the next preceding Federal census has pledged securities in lieu of a personal or surety bond to secure the county funds of such county, and it becomes necessary for the county to take over such pledged securities, it shall be lawful for such counties to accept such securities so pledged and to credit the depository bank with the amount thereof and to charge said depository bank with the total amount of county funds then on deposit in said county depository, and authorizing commissioners

courts of such counties to sell such pledged securities with or without a repurchase agreement or to place such securities in order to obtain funds with which to meet the obligations of such counties; authorizing the commissioners courts of such counties to select another depository in the same manner and upon the same terms as is provided in Article 2550, Revised Civil Statutes of 1925; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 526 was put on its third reading and final passage by the following vote:

Yeas—24.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Absent.

Russek.

Absent—Excused.

Beck.	Holbrook.
Fellbaum.	Oneal.
Greer.	Sanderford.

Read third time and finally passed by the following vote:

Yeas—24.

Blackert.	Murphy.
Collie.	Neal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Redditt.

Regan.	Woodruff.
Small.	Woodul.
Stone.	Woodward.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Russek.
Greer.	Sanderford.
Holbrook.	

Senate Bill No. 50.

The Chair laid before the Senate as pending business the following bill:

By Senator Blackert:

S. B. No. 50, A bill to be entitled "An Act to amend Articles 6050, 6058, 6059, as amended, 6060, as amended, 6066, as amended, Revised Civil Statutes of Texas, 1925, and by adding Articles 6058-a, and 6058-b, so as to more clearly define gas utility and to prohibit the raising of domestic and commercial rates in unincorporated towns and in incorporated towns of less than 500 population, and of rural subscribers without notice and hearing; to authorize the Railroad Commission of Texas to make appraisals and audits in incorporated towns and cities of 10,000 population or less; to authorize the Railroad Commission under certain conditions to aid cities of 10,000 population, or more, in making an appraisal of the properties and an audit of the accounts of the gas utility, or gas utilities, serving such cities; to provide for the necessary funds and organization in carrying out the provisions of this Act; providing that if any provision of this Act is declared invalid or unconstitutional that it shall not effect any other provision of this Act; and declaring an emergency."

The question recurred upon the pending amendment (by Senator Moore) to the amendment (by Senator Woodruff).

Senator Moore withdrew his amendments to the amendment.

Senator Woodul moved to table the amendment. The motion prevailed by the following vote:

Yeas—14.

Blackert.	Greer.
Collie.	Hopkins.
Cousins.	Martin.
DeBerry.	Pace.
Duggan.	Parr.

Patton. Regan.
Redditt. Woodul.

Nays—8.

Hornsby. Poage.
Moore. Purl.
Murphy. Woodruff.
Neal. Woodward

Present—Not Voting.

Stone.

Absent—Excused.

Beck. Russek.
Holbrook. Sanderford.

(Pairs Recorded.)

Senator Rawlings (present) who would vote nay with Senator Fellbaum (absent), who would vote yea.

Senator Small (present) who would vote nay with Senator Oneal (absent), who would vote yea.

REASONS FOR VOTE.

We vote to table the amendment by the Senator from Wise on S. B. No. 50, known as the Blackert Bill, for the reason that, in our opinion, the amendment was offered for the only purpose of killing the bill. We favor adequate and proper regulation of all public utilities in order that the people of this State will be given fair rates.

REDDITT,
PACE.

Senator Purl sent up the following amendment:

Amend S. B. No. 50 by striking out Section 5 and substituting in lieu thereof Section F reading as follows:

"Sec. 5. That Article 6060 of the Revised Civil Statutes of Texas for 1925, as amended, by Section 10 of H. B. No. 547, Chapter 73, General Laws of the State of Texas, passed by the Regular Session of the Forty-second Legislature shall hereafter read as follows:

"Article 6060. That every gas utility engaged in the carriage or transportation of natural gas by pipe line or owning, operating and managing a pipe line for the transportation or carriage of natural gas to distribution systems or to other pipe lines or to other points for the sale or distribution of natural gas, whether for hire or not, shall for

the quarter ending June 30th, 1933, and quarterly thereafter, file with the Railroad Commission a statement duly verified as true and correct by the president, treasurer, or general manager, if a corporation, or by the owner, or owners or one of them, if an individual or co-partnership, showing the gross receipts of such utility for the quarter next preceding, or for the portion of said quarterly period as said utility may have been conducting any business; and at such times shall pay into the State Treasury at Austin a sum equal to one-fourth of one per cent of the gross income received from all business done by it within this State during said quarter. Unless said report shall be made and tax paid within thirty days after the end of each quarterly period a penalty of twenty-five (25%) per cent of the amount of tax due shall become due and payable, in addition to the regular tax.

"Any surplus remaining in the fund hereby created at the end of any fiscal year shall be paid into the general revenue fund after paying all such salaries, costs, fees and charges and after deducting such amounts as may have been incurred or may have been contracted to be paid and such amount as may be estimated by the Railroad Commission necessary for its use in carrying out the provisions of this Act."

PURL.

The amendment was read.

Senator Woodul moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

Blackert.	Murphy.
Collie.	Neal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Redditt.
Hopkins.	Regan.
Martin.	Woodul.

Nays—5.

Hornsby.	Purl.
Moore.	Stone.
Poage.	

Absent.

Small.	Woodward
Woodruff.	

Absent—Excused.

Beck.	Russek.
Holbrook.	Sanderford.
Oneal.	

(Pair Recorded.)

Senator Rawlings (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

REASON FOR VOTE.

I voted against the Woodruff amendment to S. B. No. 50 for the following reasons:

I am not against a general utilities bill if same is drawn in favor of the people and not the utilities. In this instance it is my belief this amendment was introduced and supported to kill S. B. No. 50, therefore to have voted for the Woodruff amendment and if the same were adopted would have resulted in the death of then the enemies of S. B. No. 50 and the enemies of a general utility bill would have united and killed the amended bill.

I voted against the above Purl amendment to S. B. No. 50 for the following reasons:

I am not opposed to the gross production tax levied on the pipe lines and utilities mentioned in this amendment if that had been the only issue in this vote. I believe this amendment was introduced and sponsored for the purpose of defeating S. B. No. 50.

DeBERRY.

Senator Purl sent up the following amendment:

Amend S. B. No. 50 by striking out Section 8 and substituting in lieu thereof Section 8 reading as follows:

"Sec. 8. The Railroad Commission may furnish its aid, assistance and facilities to all cities and towns with a population of five hundred to ten thousand, according to the last Federal census on the terms and conditions herein prescribed. In the event such city or town shall invoke the aid, assistance, or facilities of the Railroad Commission in determining what are fair and reasonable domestic rates for gas in said city or cities, then such city or cities shall pay one-half of any and all expenses and costs incident to the aid, assistance or facilities furnished by the Rail-

road Commission, and further provided that the Railroad Commission shall not have appellate jurisdiction over any order or ordinance passed by such city or cities which invokes the aid, assistance or facilities of the Commission as herein provided in fixing fair and reasonable rates for domestic gas, and the utility or party dissatisfied with such order or ordinance may appeal to any court of competent jurisdiction in the county wherein such city or cities are situated."

PURL.

The amendment was read.

Senator Pace moved to table the amendment.

Senator Russek moved to recess until 10 o'clock Monday morning.

Senator Woodruff moved to recess until 2 o'clock p. m. today.

The motion to recess until Monday was lost.

The motion to recess until this afternoon was lost.

The motion to table the amendment prevailed by the following vote:

Yeas—13.

Blackert.	Neal.
Collie.	Pace.
DeBerry.	Parr.
Greer.	Redditt.
Hopkins.	Regan.
Martin.	Woodul.
Murphy.	

Nays—9.

Cousins.	Poage.
Duggan.	Purl.
Hornsby.	Russek.
Moore.	Stone.
Patton.	

Absent—Excused.

Beck.	Sanderford.
Holbrook.	

(Pairs recorded.)

Senator Rawlings (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

Senator Small (present) who would vote nay, with Senator Oneal (absent) who would vote yea.

Senator Woodruff (present) who would vote yea, with Senator Woodward (absent) who would vote nay.

Senator Purl sent up the following amendment:

Amend S. B. No. 50 by striking out Section 7 and insert in lieu thereof Section 7 reading as follows:

"Sec. 7. The Commission is hereby expressly authorized to make an appraisal of the properties and an audit of the accounts of all gas utilities doing business in or serving unincorporated towns and incorporated towns which do not have the power to regulate and fix rates as provided by Article 1119 of the Revised Civil Statutes of 1925, as amended, for rate making purposes. The Commission is further authorized to do everything necessary to determine fair city gate rates for gas to distributing companies, and to determine fair burner-tip rates for gas for domestic consumption."

PURL.

The amendment was read.

Senator Russek moved to recess until 10 o'clock Monday morning.

Senator Woodruff moved to recess until 2 o'clock p. m. today.

The motion to recess until Monday was lost.

The motion to recess until this afternoon was lost.

Senator Woodruff raised the point of order that a quorum was lacking.

The roll call showed 25 present.

Senator Woodul moved the previous question on the amendment. The motion prevailed.

The amendment was lost by the following vote:

Yeas—7.

Cousins.	Poage.
Hornsby.	Purl.
Moore.	Russek.
Patton.	

Nays—16.

Blackert.	Neal.
Collie.	Pace.
DeBerry.	Parr.
Duggan.	Redditt.
Greer.	Regan.
Hopkins.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.

Absent.

Woodward.

Absent—Excused.

Beck.	Sanderford.
Holbrook.	

(Pairs Recorded.)

Senator Rawlings (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

Senator Small (present) who would vote yea, with Senator Oneal (absent) who would vote nay.

Senator Woodul sent up the following amendment:

Amend Senate Bill No. 50 by striking out all of Section 8 of said bill, and inserting in lieu thereof the following:

"Sec. 8. If the Railroad Commission shall have the funds available, after performing the duties and services contemplated by the provisions of this Act it may enter into agreement with any city or cities of more than 10,000 population, according to the last Federal census, on such terms and conditions as may be agreed upon between it and the governing body or bodies of said city or cities whereby the Railroad Commission may bear not more than three-fourths of the expense of making an appraisal of the properties and an audit of the accounts of the gas utility or gas utilities operating in said city or cities for the purpose of determining what are fair domestic and commercial rates for gas in said city or cities; providing however that in case any city should not desire to wait until the Commission can furnish to said city appraisal of the properties and audits of the accounts of the gas utility serving said city, then and in that event, the city may proceed with the passage of the ordinance, but the duty shall devolve upon said city to make its own appraisal and audit."

WOODUL,
PATTON,
GREER.

The amendment was read.

Senator Rawlings moved the previous question on the pending amendment and the further consideration of the bill. The motion was seconded.

Senator Purl raised the point of order that a quorum was lacking.

The roll call showed 25 present.

The motion for the previous question was lost by the following vote:

Yeas—10.

Blackert.	Neal.
Cousins.	Pace.
DeBerry.	Parr.
Hopkins.	Regan.
Martin.	Woodul.

Nays—13.

Collie.	Poage.
Duggan.	Purl.
Greer.	Russek.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Patton.	

Absent.

Redditt.	Woodward.
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Absent—Excused.

Beck.	Oneal.
Holbrook.	Sanderford.

(Pair Recorded.)

Senator Rawlings (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

Senator Poage sent up the following substitute for the pending amendment:

Amend S. B. No. 50 by striking out all of Section 8 and substituting in lieu thereof the following:

"Section 8. The Railroad Commission shall furnish its aid and assistance and facilities to all cities and towns with a population of twenty-five thousand and less, according to the last Federal census on the following terms and conditions, to-wit:

(1) To all cities and towns of less than 500 population without cost to such city or town when such aid and assistance and facilities are requested by the county commissioners court.

(2) To all cities and towns of more than 7500 or less than 25,000 population when such city or town shall invoke such aid and assistance and facilities and obligates itself to pay one-fourth of all expenses and costs incident to the said assistance and facilities.

(3) To all cities and towns of more than 7500 or less than 2500 population when such city or town shall invoke such aid, assistance and facilities to obligate itself to

pay one-half of all expenses and costs incident to the aid, assistance and facilities.

(4) To all cities of more than 25,000 population when such city shall invoke said aid, assistance and facilities and obligates itself to pay such part of all expenses and costs incident to such aid, assistance or facilities as may be agreed on between such city and the Railroad Commission, provided, however, that in no event shall the Railroad Commission pay more than one-half of such costs and expenses and provided however that in case any city should not desire to wait until the Commission can furnish to said city appraisal of the properties and audits of the accounts of the gas utility serving said city, then and in that event, the city may proceed with the passage of the ordinance, but the duty shall devolve upon said city to make its own appraisal and audit."

POAGE.

The substitute was read.

Senator Greer sent up the following amendment to the substitute:

Amendment to the substitute:
Strike out 7500 and insert 12,500.

GREER.

The amendment was read.

Senator Purl moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Duggan.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Poage.	Woodruff.
Purl.	Woodward.

Nays—15.

Blackert.	Neal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Greer.	Redditt.
Martin.	Russek.
Moore.	Woodul.
Murphy.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Sanderford.

(Pair Recorded.)

Senator Rawlings (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

The amendment was adopted by the following vote:

Yeas—17.

Blackert.	Neal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Redditt.
Greer.	Regan.
Martin.	Russek.
Moore.	Woodul.
Murphy.	

Nays—8.

Hopkins.	Small.
Hornsby.	Stone.
Poage.	Woodruff.
Purl.	Woodward.

Absent—Excused.

Beck.	Oneal.
Holbrook.	Sanderford.

(Pair Recorded.)

Senator Rawlings (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

Senator Collie sent up the following amendment to the substitute:

Amend the Poage substitute by inserting between the words "duty" and "shall" in next to the last line the following: "and expense."

COLLIE.

Read and adopted.

The substitute as amended was adopted.

The amendment as substituted was adopted.

Senator Moore sent up the following amendment to the bill:

Amend S. B. No. 50 as follows:

By adding a new section to be known as Section 4a, as follows:

Section 4a—

II. (1) (a) Producing, generating, transmitting, conveying, distributing or delivering electricity for the production of light, heat or power for public use or service for compensation.

(b) Or for sale to the public, or to municipalities, or persons or corporations in cases to which reference is hereinafter made, engaged in distributing or selling electricity to the public.

(c) Or for sale or delivery of electricity to any person or firm or corporation operating under fran-

chise or a contract with any municipality, or other legal subdivision of this State.

(d) Or for sale or delivery of electricity to the public for domestic or other use.

(2) Owning, leasing or operating, managing, controlling, or using a transmission line, wires, conduits, or other appurtenances for the transportation, carriage or transmission of electricity whether for public hire or not, if any part of the right-of-way for said transmission lines has been required, or may hereafter be acquired by the exercise of the right of eminent domain, or if said line or any part thereof is laid upon, in or under any public road or highway of this State, or street or alley of any municipality or the right-of-way of any railroad or other public utility, including any other utility authorized by law to exercise the right of eminent domain.

(3) Producing or purchasing electric current and transmitting, delivering or causing the same to be transported or delivered by wires, conduit line, or other appurtenances to, into or near the limits of any municipality in which said electricity is received and distributed or sold to the public by the public utility or by another public utility. Provided the provisions hereof shall not apply to municipal electric and/or light plants.

MOORE.

The amendment was read.

Senator Woodul moved the previous question on the pending amendment and the further consideration of the bill.

Senator Martin raised the point of order that this amendment had been offered previously and acted upon.

The Chair, Senator Rawlings, overruled the point of order.

The motion for the previous question was lost by the following vote:

Yeas—12.

Blackert.	Pace.
Cousins.	Parr.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Small.
Neal.	Woodul.

Nays—13.

Collie.	Poage.
Hopkins.	Purl.
Hornsby.	Russek.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.
Patton.	

Absent—Excused.

Beck.	Oneal.
Holbrook.	Sanderford.

(Pair Recorded.)

Senator Rawlings (present) who would vote yea with Senator Fellbaum (absent), who would vote nay.

Senator Martin raised the point of order that this amendment was contained in the amendment by Senator Woodruff which was defeated yesterday.

The Chair, Senator Rawlings, overruled the point of order, holding that the amendment yesterday included telephone companies whereas this amendment did not.

On motion of Senator Woodul, the previous question was ordered on pending amendments and the bill.

The amendment by Senator Moore was lost by the following vote:

Yeas—6.

Hornsby.	Small.
Moore.	Woodruff.
Murphy.	Woodward.

Nays—17.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Redditt.
Duggan.	Regan.
Greer.	Russek.
Hopkins.	Stone.
Martin.	Woodul.
Parr.	

Present—Not Voting.

Rawlings.

Absent.

Neal.	Pace.
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Absent—Excused.

Beck.	Oneal.
Fellbaum.	Sanderford.
Holbrook.	

REASONS FOR VOTE.

We vote to table the amendment by the Senator from Hunt on S. B. No. 50 known as the Blackert Bill, for the reason that in our opinion, the amendment was offered for the purpose of killing the bill. We favor adequate and proper regulation of all public utilities in order that the people of this State will be given fair rates.

REDDITT,
PACE.

The Chair laid before the Senate the following amendment:

Amend S. B. No. 50, Section 7, after the word "authorized" in lines 47 and 53 the following: "and directed."

COLLIE.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—15.

Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Redditt.
Greer.	Regan.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	

Nays—6.

Cousins.	Poage.
Hornsby.	Purl.
Moore.	Russek.

(Pairs Recorded.)

Senator Hopkins (present) who would vote nay with Senator Beck (absent), who would vote yea.

Senator Rawlings (present) who would vote yea with Senator Fellbaum (absent), who would vote nay.

Senator Small (present) who would vote nay with Senator Oneal (absent), who would vote yea.

Senator Stone (present) who would vote yea with Senator Holbrook (absent), who would vote nay.

Senator Woodward (present) who would vote nay with Senator Sanderford (absent), who would vote yea.

House Bill No. 878.

Senator Woodul moved to suspend the constitutional rule and put H. B. No. 878 on its third reading and final passage.

The motion was lost by the following vote:

Yeas—20.

Blackert.	Poage.
Collie.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Hopkins.	Russek.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—6.

DeBerry.	Moore.
Greer.	Patton.
Hornsby.	Purl.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Sanderford.
Holbrook.	

(Four-fifths vote required.)

Adjournment.

Senator Woodul moved to adjourn until 2:10 o'clock p. m. today.

Senator Greer moved to recess until 10 o'clock Monday morning. The motion was lost by the following vote:

Yeas—6.

Greer.	Patton.
Hornsby.	Purl.
Moore.	Russek.

Nays—19.

Blackert.	Poage.
Collie.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Hopkins.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Sanderford.
Holbrook.	

The motion to adjourn prevailed and at 2:05 o'clock p. m., the Senate adjourned.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, April 22, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred H. B. No. 623,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, April 22, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 527, A bill to be entitled "An Act amending Senate Bill No. 512 passed at the Regular Session of the Forty-second Legislature, 1931; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provision relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 22, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 526, A bill to be entitled "An Act providing that when the county depository of any county having a population of not less than 43,100 and not more than 43,200 ac-

cording to the next preceding Federal census has pledged securities in lieu of a personal or surety bond to secure the county funds of such county, and it becomes necessary for the county to take over such pledged securities, it shall be lawful for such counties to accept such securities so pledged and to credit the depository bank with the amount thereof and to charge said depository bank with the total amount of county funds then on deposit in said county depository, and authorizing commissioners courts of such counties to sell such pledged securities with or without a repurchase agreement or to pledge such securities in order to obtain funds with which to meet the obligations of such counties; authorizing the commissioners court of such counties to select another depository in the same manner and upon the same terms as is provided in Article 2550, R. C. S. 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Vice-Chairman.

SIXTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
April 22, 1933.

The Senate met at 2:10 o'clock p. m., pursuant to adjournment, and was called to order by Senator Rawlings.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	Sanderford.
Holbrook.	

46—Jour.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Russek.

Senators Excused.

On motion of Senator Redditt, Senator Beck was excused for the day on account of illness.

On motion of Senator Rawlings, Senator Fellbaum was excused for the day on account of important business.

House Bill No. 878.

Senator Woodul moved to suspend the regular order of business and take up H. B. No. 878 (Marginal oil well bill). The motion prevailed by the following vote:

Yeas—19.

Blackert.	Rawlings.
Collie.	Redditt.
Cousins.	Regan.
Duggan.	Russek.
Murphy.	Small.
Neal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Nays—5.

DeBerry.	Moore.
Greer.	Purl.
Hornsby.	

Absent.

Hopkins.	Martin.
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Absent—Excused.

Beck.	Oneal.
Fellbaum.	Sanderford.
Holbrook.	

The Chair laid before the Senate on its third reading the following bill:

H. B. No. 878, A bill to be entitled "An Act amending Section 1, of Chapter 58, of the General Laws, of the Forty-second Legislature, Regular Session, re-defining marginal wells, and declaring an emergency."

Read third time.

On motion of Senator Woodul, the previous question was ordered on the final passage of the bill.

The bill was finally passed by the following vote: